

Public Chapter 344

HOUSE BILL NO. 848

By Representatives Curtiss, Patton

Substituted for: Senate Bill No. 632

By Senator Person

AN ACT to amend Tennessee Code Annotated, Title 8, Chapter 10, relative to constables.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF TENNESSEE:

SECTION 1. Tennessee Code Annotated, Section 8-10-101(a), is amended by deleting subdivision (2) in its entirety and by redesignating the subsequent subdivision (3) accordingly.

SECTION 2. Tennessee Code Annotated, Section 8-10-101(b)(1)(A), is amended by deleting the language "county delegates" and substituting instead the language "county commissioners".

SECTION 3. Tennessee Code Annotated, Section 8-10-101(b)(1), is amended by deleting subdivision (B) in its entirety and by redesignating the subsequent subdivision accordingly.

SECTION 4. Tennessee Code Annotated, Section 8-10-101, is further amended by adding the following new subsection:

() Notwithstanding any other provision of law to the contrary, a county legislative body may, by adopting a resolution by two-thirds (2/3) vote at two (2) consecutive meetings of the county legislative body, abolish the office of constable for that county or set the term of office for the constable at either two (2) or four (4) years. Any change would not be effective until the end of the current term being served by the constable.

SECTION 5. Tennessee Code Annotated, Section 8-10-109, is amended by adding the following new subsection:

() Notwithstanding any other provision of law to the contrary, a county legislative body may, by adopting a resolution by two-thirds (2/3) vote at two (2) consecutive meetings of the county legislative body, remove any law enforcement powers exercised by the constables of the county.

SECTION 6. The provisions of this act shall not apply in any county having a population of not less than 47,000 nor more than 47,500 according to the 1990 Federal Census or any subsequent Federal Census.

SECTION 7. The provisions of this act shall not apply in counties having a population, according to the 1990 Federal Census or any subsequent Federal Census of:

not less than
67,600

nor more than
67,900

SECTION 8. If any provision of this act or the application thereof to any person or circumstance is held invalid, such invalidity shall not affect other provisions or applications of the act which can be given effect without the invalid provision or application, and to that end the provisions of this act are declared to be severable.

SECTION 9. The provisions of this act shall not apply in any county having a population of not less than eighty-five thousand eight hundred (85,800) nor more than eighty-six thousand one hundred (86,100) according to the 1990 Federal Census or any subsequent Federal Census.

SECTION 10. The provisions of this act shall not apply in counties having a population, according to the 1990 Federal Census or any subsequent Federal Census of:

not less than
73,500
31,100
30,500
13,625

nor more than
73,900
31,400
30,800
13,675

SECTION 11. This act shall take effect upon becoming a law, the public welfare requiring it.